

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

In re: TANYA L. CAIN	)	
TIMOTHY D. CAIN	)	
<b><u>Debtor(s)</u></b>	)	CHAPTER 13
	)	
SANTANDER CONSUMER USA INC.	)	Case No.: 17-16840 (JKF)
<b><u>Moving Party</u></b>	)	
	)	<b>Hearing Date: 2-6-19 at 9:30 AM</b>
v.	)	
	)	11 U.S.C. 362
TANYA L. CAIN	)	
TIMOTHY D. CAIN	)	
<b><u>Respondent(s)</u></b>	)	
	)	
WILLIAM C. MILLER	)	
<b><u>Interim Trustee</u></b>	)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now Santander Consumer USA, Inc. ("Santander") filing this its Motion For Relief From The Automatic Stay ("Motion"), and in support thereof, would respectfully show:

1. That on October 6, 2017, Tanya and Timothy Cain filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, and 28 U.S.C. 157 and 1334.
3. On September 16, 2015, the Debtor(s) entered into a retail installment contract for the purchase of a 2015 Mitsubishi Lancer bearing vehicle identification number JA32U2FU4FU025390. The contract was assigned to Santander Consumer USA Inc. and the Debtors became indebted to Santander in accordance with the terms of same. Santander Consumer USA Inc. is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. As of December 13, 2018, the Debtors' account with Santander had a net loan balance of \$16,201.80.

5. According to the December 2018 NADA Official Used Car Guide, the vehicle has a current retail value of \$9,625.00.

6. The Debtors' account is past due from September 30, 2018 to December 30, 2018 with arrears in the amount of \$1,724.27.

7. Santander Consumer USA Inc. alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that Santander lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtors are failing to make payments to Santander and are failing to provide Santander with adequate protection.

WHEREFORE PREMISES CONSIDERED, Santander Consumer USA Inc. respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Santander to permit Santander to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) Santander be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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